

# Exhibit

# 1

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case

## UNITED STATES DISTRICT COURT

for the  
Southern District of Texas

United States of America  
v.  
EDWARD CONSTANTINESCU, Et Al.  
\_\_\_\_\_  
*Defendant*

Case No. 4:22-CR-612

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS IN A CRIMINAL CASE

To: Hutchinson Bernot  
7670 Classic Way, Sandy Spring, GA 30350

(Name of person to whom this subpoena is directed)

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

See Attachment A.

Place: Courtroom 9D, United States District Court  
515 Rusk Ave, Houston TX 77002  
Before the Honorable Judge Andrew Hanen

Date and Time: 04/01/2024 9:00 am

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date: 10.13.23

CLERK OF COURT



Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (name of party) \_\_\_\_\_ Defendant  
Edward Constantinescu \_\_\_\_\_, who requests this subpoena, are:

Matthew Aaron Ford, Ford O'Brien Landy LLP, mford@fordobrien.com, (512) 503-6388;  
Jamie Hoxie Solano, Ford O'Brien Landy LLP, jsolano@fordobrien.com, (214) 454-8829.

**Notice to those who use this form to request a subpoena**

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

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**PROOF OF SERVICE**

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Criminal Procedure 17 (c), (d), (e), and (g) (Effective 12/1/08)**

**(c) Producing Documents and Objects.**

(1) **In General.** A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.

(2) **Quashing or Modifying the Subpoena.** On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.

(3) **Subpoena for Personal or Confidential Information About a Victim.** After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.

(d) **Service.** A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena.

**(e) Place of Service.**

(1) **In the United States.** A subpoena requiring a witness to attend a hearing or trial may be served at any place within the United States.

(2) **In a Foreign Country.** If the witness is in a foreign country, 28 U.S.C. § 1783 governs the subpoena's service.

(g) **Contempt.** The court (other than a magistrate judge) may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district. A magistrate judge may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by that magistrate judge as provided in 28 U.S.C. § 636(e).



**Attachment A**

You are instructed to produce the following:

1. An export of all of the data associated with your X, formerly known as Twitter, account from 2019 to the present. For instructions on how to export your account data, please visit: <https://help.twitter.com/en/managing-your-account/accessing-your-x-data#:~:text=Click%20or%20tap%20More%20in,an%20archive%20of%20your%20data>.
2. Documents sufficient to show: (1) all "Friends" on your Discord account; (2) all servers associated with or on your Discord account; and (3) any conversations on your Discord account from 2019 to the present pertaining to investments, stocks, or financial matters, including direct messages, emails, and mentions. For instructions on how to export your account data, please visit: <https://support.discord.com/hc/en-us/articles/360004027692-Requesting-a-Copy-of-your-Data>.
3. Documents sufficient to show your usernames on other social media accounts, including but not limited to, Facebook, Instagram, Discord, Snapchat, & TikTok.
4. For any brokerage account you held from January 2019 to April 2022, all stock trading records for each account, including copies of all trade records, buy orders, sell orders, invoices, statements, and 1099-B forms.
5. Documents sufficient to show statements and information, if any, you contend that you relied upon while trading any of the following stocks from January 2019 to April 2022: ONTX, SXTX, CBAT, TRCH, VISL, GTT, RGLS, SURF, ALZN, UPC, ABVC, CEI, DATS, NAKD, EZFL, MYSZ, PIXY, BBI, AIHS, BAOS, BBLG, CNTX, FCEL, HCWB, METX, MFH, MITQ, SFET, SNOA, SUPV, SURG, VRPX, XRTX, ZSAN, ACST, ADMP, APRE, AVGR, or BBIG.
6. Copies of all communications you have had regarding Edward Constantinescu, Perry Matlock, John Rybarczyk, Gary Deel, Stefan Hrvatin, Tom Cooperman, Mitchell Hennessey, and/or Daniel Knight, including conversations that refer to any of their social media accounts and/or activity.
7. Copies of all communications you have regarding Twitter accounts @PJ\_Matlock; @MrZackMorris, @ohheytommy, @Ultra\_Calls, @hugh\_henne, @dipdiety, @LadeBackk, or @notoriousalerts, Discord accounts PJ Matlock#0001, Zack Morris#0001, MrZackMorris#9856, TOMMY COOPS#5323, Ultra#0374, HUGHBEAR:bear:#4034, Dan, Deity of Dips#8114, Lade Backk#6083 and Mystic Mac #7345, and the Discord Atlas Trading server.



October 20, 2023

Hutchinson Bernot  
7670 Classic Way  
Sandy Springs, GA 30360

Re: *United States v. Edward Constantinescu et al.*, 4:22-CR-00612-S

Dear Mr. Bernot,

Please see the attached trial subpoena signed by the Clerk's Office for records to be produced at trial in *United States v. Edward Constantinescu, et al.* If you would like to produce these records to us prior to the April 1, 2024 trial date, please let us know. If you choose to produce these records prior to trial and we are satisfied that you have complied with what the subpoena requires to you produce, your appearance at trial to comply with this subpoena will be unnecessary.

If you have any questions, please feel free to reach out to Matt Ford or Jamie Solano, both listed on the subpoena.

Respectfully,

A handwritten signature in cursive script, appearing to read "Emily Bratton", written over a horizontal line.

Emily Bratton  
Ford, O'Brien, Landy  
Paralegal  
3700 Ranch Rd 620 S Ste B  
Austin, TX 78738